

7 April 2003

Docket Management Facility (USCG-2001-8661)
US Department of Transportation
Room PL-401
400 7th Street SW
Washington, DC 20590-0001

Re: Vessel and Facility Response Plans for Oil: 2003 Removal Equipment
Requirements and Alternative Technology Revisions (USCG-2001-8661)

Dear Sir/Ma'am:

I support the Coast Guard's selection of Alternative 5. Choosing a combination of response technologies rather than just a 25 percent increase in mechanical recovery capabilities ensures a greater reduction of spilled oil, especially during a worst case discharge, and ultimately protects the marine environment. However, I have two concerns. The first is the short time frame proposed for implementation of the new rule. The second is concerning the 1:20 dispersant-to-oil ratio requirement.

The 1993 rule allowed a credit of up to a 25 percent reduction in certain mechanical recovery requirements in exchange for being dispersant-capable. No planholder took advantage of this credit.¹ The Coast Guard estimates that there are 710 vessel and 2,600 marine transportation-related facility planholders who will have to modify their response plans to comply with the proposed rule.² Under the proposed rule, the Coast Guard will expect these 3,310 planholders to revise their response plans and acquire or contract for a tremendous quantity of dispersants, fixed-wing aircraft to apply at least 50 percent of the dispersants and aerial tracking capabilities, all within eight months. During this time, either the planholder or the contracted oil spill response organization (OSRO) must acquire a location to safely store and train personnel to safely apply the dispersants. I believe it is unreasonable to expect all of these activities to successfully occur in such a short period of time. Additionally, is eight months enough time to get the expected quantity of dispersants and the equipment required for application onto the market and available for use? I suggest that it would be more reasonable for the implementation of the rule be completed in stages, identified by the Coast Guard, over 18-24 months.

¹ Regulatory Assessment for Changes to Vessel and Facility Response Plans: 2003 Response Requirements for Mechanical Recovery, Dispersants, *In Situ* Burning, and Aerial Tracking. Report and Initial Regulatory Flexibility Analysis for the Notice of Proposed Rulemaking, February 2002. p.12

² Regulatory Assessment for Changes to Vessel and Facility Response Plans: 2003 Response Requirements for Mechanical Recovery, Dispersants, *In Situ* Burning, and Aerial Tracking. Report and Initial Regulatory Flexibility Analysis for the Notice of Proposed Rulemaking, February 2002. p. 8

I also have a few questions related to this first concern. What would happen in the case of an OSRO that provides services to several different planholders? Would the OSRO be required to have multiple sets of supplies and equipment to cover a minimum number of their planholders to have the capability to respond to simultaneous worst case discharges? If not, what will be required by the OSRO or a planholder that contracted their services during the time their services are being used by another planholder or while their supplies are being decontaminated or restocked following a large spill?

Tables 154.1045(i) and 155.1050(l) specify a 1:20 dispersant-to-oil application ratio to be used for all spills. The note below the tables indicate that alternative application ratios may be considered by the Coast Guard based on the submission of peer-reviewed scientific evidence of improved capability. That allows for consideration of a greater than 1:20 ratio, but some situations may require a less than 1:20 ratio for effective use of dispersants. Studies of dispersants, such as Corexit 9527, which is still in use today, have determined that the effectiveness is reduced significantly with decreasing temperatures.³ Most of the Environmental Protection Agency (EPA) technical product bulletins for dispersants indicate that the range of effectiveness varies based on the type of oil, degree of weathering, and temperature.⁴ Having the rule use one ratio for all conditions seems irresponsible when the manufacturers of these materials and the EPA know, and publish, that the ratios should be altered for different conditions. I recommend that tables 154.1045(i) and 155.1050(l) be used as the basic standard, but have the rule require planholders evaluate conditions, especially average daily temperature, to determine if a larger quantity of dispersant is needed for their worst case discharge. Adding a temperature factor into the calculation of cumulative dispersant-application capacity requirements would also accomplish this recommendation.

Thank you for the opportunity to comment on this notice of proposed rulemaking.

Sincerely,

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Laura A. Rabb, CIH, REHS

³ Fingas, M. F., Bier, I., Bobra, M., Callaghan, S., Studies on the Physical and Chemical Behavior of Oil and Dispersant Mixtures, Proceedings of the Twelfth Biennial Conference on the Prevention, Behavior, Control, and Cleanup of Oil Spills, San Diego, California, March 4-7, 1991.

⁴ NCP Product Schedule-Listed Dispersants. <http://www.epa.gov/oilspill/ncp/dsprsnts.htm>